

**FIRST AMENDMENT
TO
BALLOT DROP BOX USE PERMIT
(Pierce County Auditor)**

This First Amendment to Ballot Drop Box Use Permit ("First Amendment") is made and entered into by and between PIERCE TRANSIT, a Washington municipal corporation (hereinafter "Pierce Transit") and PIERCE COUNTY, a municipal corporation and political subdivision of the state of Washington (hereinafter "Pierce County"). PIERCE TRANSIT and Pierce County may hereinafter be referred to collectively as "Parties" or individually as a "Party."

WHEREAS PIERCE TRANSIT and Pierce County have entered into that certain Ballot Drop Box Property Use Permit ("Agreement") dated September 8, 2010 pursuant to which PIERCE TRANSIT granted to Pierce County and Pierce County accepted from PIERCE TRANSIT, the right to use certain parcels of real property consisting of the land and improvements commonly and legally described in Exhibit A attached hereto and by this reference incorporated herein ("Subject Properties"); and

WHEREAS PIERCE TRANSIT has sold the Bonney Lake Park and Ride Property located at 9201 Sky Island Drive East, Bonney Lake, WA, tax parcel 5640001841 (hereinafter "The Bonney Lake Park and Ride Property") to CENTRAL PUGET SOUND REGIONAL TRANSIT AUTHORITY, A REGIONAL TRANSIT AUTHORITY OF THE STATE OF WASHINGTON (hereinafter "Sound Transit") pursuant to that certain Statutory Warranty Deed dated 10/10/14 and recorded on 10/17/14; and

WHEREAS PIERCE TRANSIT and Pierce County now desire to amend the terms of the Agreement in accordance with this First Amendment.

NOW, THEREFORE, for and in consideration the terms, covenants and conditions set forth below, PIERCE TRANSIT and Pierce County hereby agree as follows:

1. **Amendment to Exhibit "A" Common and Legal Descriptions of Subject Properties.** Exhibit "A" shall be replaced with the attached Exhibit "A-1" to remove the Bonney Lake Park and Ride Property from the Agreement.
2. **Amendment to Exhibit "C" Depiction of the Premises.** Exhibit "C" shall be replaced with the attached Exhibit "C-1" to remove the Bonney Lake Park and Ride Property from the Agreement.
3. **Amendment to Section 11. Notices.** Section 11 is deleted and substituted with

11. Notices. Any notices required or desired to be given shall be by telephone, electronic mail and U.S. mail to the person(s) set forth below:

To Pierce Transit: Pierce Transit
Attn: Larry McCarty, Facilities Maintenance Manager
3701 96th Street SW
Lakewood, WA 98499-4431
Telephone: 253-581-8053
Email: lmccarty@piercetransit.org

Copy to: Pierce Transit
Attn: Dixie Sciacqua, Special Events Coordinator
P.O. Box 99070
Lakewood, WA 98496-0070
Telephone: 253-581-8001
Fax: 253-984-8161
Email: dixiesciacqua@piercetransit.org

To Pierce County: Pierce County Auditor - Elections Division
Attn: Julie Colacurcio//Mike Rooney
2501 South 35th Street, Suite C
Tacoma, WA 98409-7284
Telephone: 253-798-6587 (Colacurcio)
253-798-2148 (Rooney)
Email: jcolacu@co.pierce.wa.us (Colacurcio)
mrooney@co.pierce.wa.us (Rooney)

Copy to: Pierce County Facilities Management
Attn: Real Property Management Specialist
1102 Broadway, Suite 302
Tacoma, WA 98402-2160
Telephone: 253-798-7223
Email: rtacket@co.pierce.wa.us

Copy to: Pierce County Prosecuting Attorney/Civil Division
Attn: David H. Prather, Deputy Prosecuting Attorney
955 Tacoma Avenue South, Suite 301
Tacoma, WA 98402-2160
Telephone: 253-798-4168 (Direct Line)
Email: dprathe@co.pierce.wa.us

4. **Construction.** This First Amendment was negotiated under circumstances in which each party had the opportunity to seek the assistance of their own legal counsel and shall be construed according to its fair meaning and not strictly for or against either party.
5. **Authority.** Landlord and Tenant each represents and warrants to the other that it has the power and authority to execute this First Amendment and that there are no third party approvals required to execute this First Amendment or to comply with the terms and conditions set forth herein.

6. **Ratification and Confirmation.** The Agreement, except as amended by the First Amendment is hereby ratified and confirmed and shall remain in full force and effect in accordance with its original terms and conditions.
7. **Effective Date of First Amendment.** The effective date hereof shall be the date the Pierce County Executive (who shall be the last person to sign) shall have executed this Amendment as indicated opposite her name below.

[SIGNATURES & ACKNOWLEDGEMENTS APPEAR ON FOLLOWING PAGES]

PIERCE TRANSIT SIGNATURE PAGE

PIERCE TRANSIT, A Washington municipal corporation:


By: 
Per Jim Walton, Interim Chief Executive Officer

1/27/15
Date

By: 
Wayne Fanshier, Chief Financial Officer

1/27/15
Date

APPROVED AS TO LEGAL FORM ONLY:

By: 
Dana Henderson, General Counsel

1/26/15
Date

PIERCE COUNTY SIGNATURE PAGE

PIERCE COUNTY, a municipal corporation and political subdivision of the state of Washington:

APPROVED AS TO LEGAL FORM ONLY:

By:  2/3/15
Deputy Prosecuting Attorney Date

RECOMMENDED:

By:  2/5/15
Director, Budget and Finance Date

By:  02-10-15
Pierce County Auditor Date

FINAL ACTION:

By:  2/19/15
Pierce County Executive

EXHIBIT A
(Common and Legal Descriptions of Subject Properties)

72nd Street Park & Ride

Site address: 1319 E 72nd Street, Tacoma, WA

Tax Parcel: 916000592

Legal Description:

Section 27 Township 20 Range 03 Quarter 24 UNION PACIFIC: UNION PACIFIC PARCEL `B` OF BOUNDARY LINE REVISION 94-06-02-0287 DESC AS FOLL LOTS 1 THRU 12 BLK 49 TOG/W LOTS 1 THRU 12 BLK 50 TOG/W THAT POR OF LOTS 1 THRU 12 BLK 51 DESC AS FOLL BEG AT SW COR O

Lakewood Park & Ride

Site address: 10417 S. Tacoma Way, Lakewood, WA

Tax Parcel: 5095000054

Legal Description:

Township 19 Range 03 Quarter 32 LAKE VIEW PARK: LAKE VIEW PARK POR B4, 5, 18, 10, 19 & 24 & POR VAC WATER ST, OLYMPIA AVE & ALLEYS LY WLY OF SR 5, SCOTT RD TO TAC & SELY OF FOLL DESC LI BEG AT A PT OPPOSITE HES 1091+66 ON SURVEY LI OF SR 5 & 1

Roy Y Park & Ride

Site address: 19110 SR 7 E, Tacoma, WA

Tax Parcel: None

Legal Description:

Parcel A (PARK & RIDE FACILITY)

Commencing at the POINT OF BEGINNING; thence south 86°17'30" west, 176.76 feet; thence along a curve to the right having a central angle of 22°00'00" and radius of 540.00 feet, a distance of 207.34 feet; thence north 71°42'30" west a distance of 92.27 feet to the southeasterly right-of-way line of State Highway No. 507; thence north 17°31'30" east along said southeasterly right-of-way line a distance of 123.54 feet; thence along a curve to the right having a central angle of 98°14'58" and a radius of 144.8 feet, a distance of 248.3 feet to the intersection with the southwesterly right-of-way line of State Highway No. 7; thence south 42°49'30" east along said right-of-way a distance of 338.61 feet, more or less, to the POINT OF BEGINNING.

Contains 1.85 acres, more or less.

EXHIBIT "B"

JUL 26 1993

EXHIBIT A
(Common and Legal Descriptions of Subject Properties)
Continued

Tacoma Dome Park & Ride

Site address: 610 Puyallup Ave., Tacoma, WA

Tax Parcel: 2074240011

Legal Description:

Section 09 Township 20 Range 03 Quarter 12 : TACOMA LD COS 1ST N 1/2 OF NE 9-20-03E COMB FOR TAX PURPOSES ONLY L 1 THRU 12 B 7424, L 1 THRU 12 B 7426, L 1 THRU 12 B 7523, L 1 THRU 12 B 7525 TOG/W VAC ALLEYS & VAC EAST `F` ST PER ORD 25698 ALSO TOG/W E 10

Bonney Lake Park & Ride

Site address: 9201 SKY ISLAND DR E, Bonney Lake WA

Tax Parcel: 5640001841

Legal Description:

Section 33 Township 20 Range 05 Quarter 32 MCDONALD FRUIT TRACTS: MCDONALD FRUIT TRACTS L 4 DBLR 98-04-16-5004 POR IN SW 33-20-05E DESC AS FOLL S 1/2 TR 28 & N 1/2 OF N 1/2 TR 30 EXC POR LY NLY OF ELY OF FOLL DESC LI COM AT NW COR OF S 1/2 TR 28 TH S 89

EXHIBIT A-1
(Common and Legal Descriptions of Subject Properties)

72nd Street Park & Ride

Site address: 1319 E 72nd Street, Tacoma, WA

Tax Parcel: 916000592

Legal Description:

Section 27 Township 20 Range 03 Quarter 24 UNION PACIFIC: UNION PACIFIC PARCEL `B` OF BOUNDARY LINE REVISION 94-06-02-0287 DESC AS FOLL LOTS 1 THRU 12 BLK 49 TOG/W LOTS 1 THRU 12 BLK 50 TOG/W THAT POR OF LOTS 1 THRU 12 BLK 51 DESC AS FOLL BEG AT SW COR O

Lakewood Park & Ride

Site address: 10417 S. Tacoma Way, Lakewood, WA

Tax Parcel: 5095000054

Legal Description:

Township 19 Range 03 Quarter 32 LAKE VIEW PARK: LAKE VIEW PARK POR B4, 5, 18, 10, 19 & 24 & POR VAC WATER ST, OLYMPIA AVE & ALLEYS LY WLY OF SR 5, SCOTT RD TO TAC & SELY OF FOLL DESC LI BEG AT A PT OPPOSITE HES 1091+66 ON SURVEY LI OF SR 5 & 1

Roy Y Park & Ride

Site address: 19110 SR 7 E, Tacoma, WA

Tax Parcel: None

Legal Description:

Parcel A (PARK & RIDE FACILITY)

Commencing at the POINT OF BEGINNING; thence south $86^{\circ}17'30''$ west, 176.76 feet; thence along a curve to the right having a central angle of $22^{\circ}00'00''$ and radius of 540.00 feet, a distance of 207.34 feet; thence north $71^{\circ}42'30''$ west a distance of 92.27 feet to the southeasterly right-of-way line of State Highway No. 507; thence north $17^{\circ}31'30''$ east along said southeasterly right-of-way line a distance of 123.54 feet; thence along a curve to the right having a central angle of $98^{\circ}14'58''$ and a radius of 144.8 feet, a distance of 248.3 feet to the intersection with the southwesterly right-of-way line of State Highway No. 7; thence south $42^{\circ}49'30''$ east along said right-of-way a distance of 338.61 feet, more or less, to the POINT OF BEGINNING.

Contains 1.85 acres, more or less.

EXHIBIT "B"

JUL 26 1993

EXHIBIT A-1
(Common and Legal Descriptions of Subject Properties)
Continued

Tacoma Dome Park & Ride

Site address: 610 Puyallup Ave., Tacoma, WA

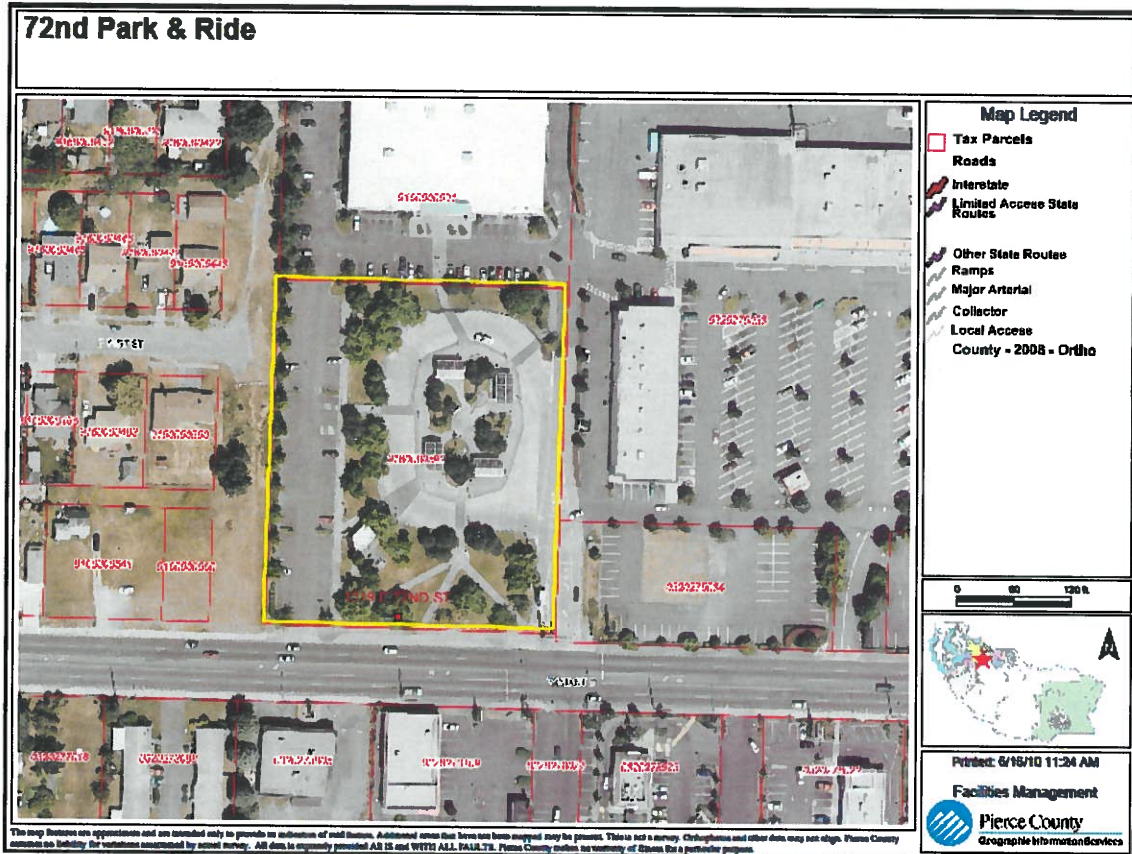
Tax Parcel: 2074240011

Legal Description:

Section 09 Township 20 Range 03 Quarter 12 : TACOMA LD COS 1ST N 1/2 OF NE 9-20-03E COMB FOR TAX PURPOSES ONLY L 1 THRU 12 B 7424, L 1 THRU 12 B 7426, L 1 THRU 12 B 7523, L 1 THRU 12 B 7525 TOG/W VAC ALLEYS & VAC EAST `F` ST PER ORD 25698 ALSO TOG/W E 10

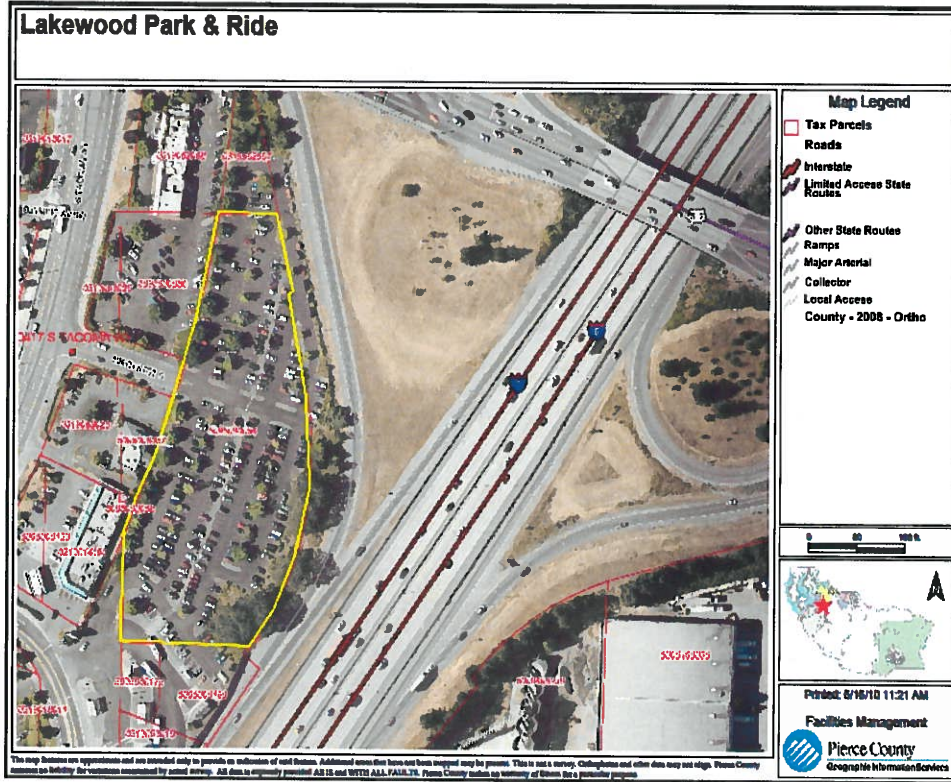
**EXHIBIT C-1
(Depiction of Premises)**

72nd Street Park & Ride
Site address: 1319 E 72nd Street, Tacoma, WA
Tax Parcel: 916000592



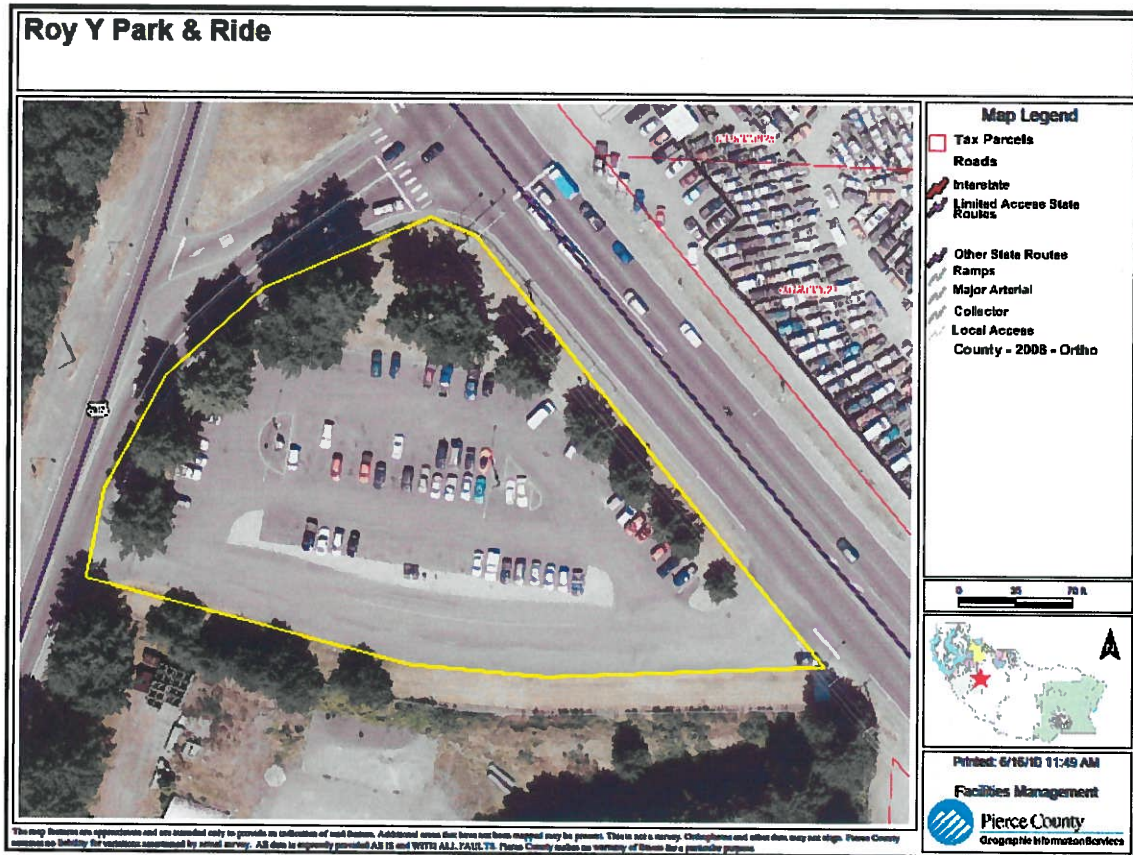
**EXHIBIT C-1
(Depiction of Premises)
Continued**

Lakewood Park & Ride
Site address: 10417 S. Tacoma Way, Lakewood, WA
Tax Parcel: 5095000054



**EXHIBIT C
(Depiction of Premises)
Continued**

Roy Y Park & Ride
Site address: 19110 SR 7 E, Tacoma, WA



**EXHIBIT C-1
(Depiction of Premises)
Continued**

Tacoma Dome Park & Ride
Site address: 610 Puyallup Ave., Tacoma, WA
Tax Parcel: 2074240011

